

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALONZO CASTILLO and
ERMA CASTILLO,
Plaintiffs,

v.

TERRY THOMPSON,
Defendant.

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CIVIL ACTION NO.: 5:18-cv-1263

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Terry Thompson files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the Court the following:

Procedural Background

1. On or about October 25, 2018, Plaintiffs filed Plaintiffs' Original Petition in the matter styled *Alonzo Castillo and Erma Castillo v. Terry Thompson*; Cause No. 2018CV06854; In County Court at Law Number 10, Bexar County, Texas, in which Plaintiffs made a claim for personal injuries and property damage to their vehicle as a result of an auto accident that occurred on October 28, 2016. Terry Thompson received the citation and petition on November 6, 2018. Defendant files this Notice of Removal within the thirty-day time period required by 28 U. S. C. § 1446(b).

2. Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Bexar County Clerk's file for this case is attached as Exhibit "B", which includes true and

correct copies of all executed process, pleadings and orders, and a copy of Defendant's Original Answer. Attached hereto as Exhibit "C" is the Designation of Counsel.

Basis for Removal

3. Removal is proper under 28 U.S.C. §1332(a)(1). There is complete diversity of citizenship.

4. Plaintiffs are, and were at the time the lawsuit was filed, citizens of the State of Texas. *See* Plaintiff's Original Petition, Section 2.1.

5. Defendant Terry Thompson is a citizen of the State of Indiana for diversity purposes.

6. The amount in controversy in this case exceeds the jurisdictional requirements of this court. Plaintiffs' Original Petition clearly states that Plaintiffs seek damages in excess of \$100,000.00. *See* Plaintiffs' Original Petition, Paragraph I. This evidence clearly demonstrates that the amount in controversy in this case exceeds the jurisdictional requirements.

The Removal is Procedurally Correct

8. Terry Thompson was first served with the petition on November 6, 2018. Terry Thompson files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

9. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiffs' claims allegedly occurred in this district.

10. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

11. Pursuant to 28 U.S.C. §1446(d), promptly after Terry Thompson files this Notice, written notice of the filing will be given to Plaintiffs, the adverse party.

12. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Harris County promptly after Allstate Vehicle and Property Insurance Company files this Notice.

Respectfully submitted,

THOMPSON COE COUSINS & IRONS, LLP

By: /s/ David A. McFarland

David A. McFarland
Texas State Bar No. 00791223
Tim Headley
Texas State Bar No. 24007334

700 N. Pearl Street, 25th Floor
Dallas, Texas 75201
Telephone: (214) 871-8200
Fax: (214) 871-8209
dmcfarland@thompsoncoe.com
theadley@thompsoncoe.com

ATTORNEYS FOR DEFENDANT
TERRY R. THOMPSON

CERTIFICATE OF SERVICE

This is to certify that on the 4th day of December, 2018, a true and correct copy of the foregoing was served on Plaintiffs' counsel of record by electronic notice and/or certified mail return receipt requested:

James V. Mazuca
Law Offices of James V. Mazuca & Associates
430 West Hildebrand Avenue
San Antonio, Texas 78212
Attorney for Plaintiffs

/s/ Tim Headley
David A. McFarland
Tim Headley

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**ALONZO CASTILLO and
ERMA CASTILLO,**
Plaintiffs,

v.

TERRY THOMPSON,
Defendant.

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§ **CIVIL ACTION NO.:**
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INDEX OF MATTER BEING FILED

Pursuant to Rule 81 of the Local Rules of the United States District Court for the Western District of Texas, the following is an index of matters being filed in this case:

1. Notice of Removal;
2. A copy of the Bexar County Clerk's file for this case, including (Exhibit B):
 - a. Plaintiffs' Original Petition;
 - b. Defendant Terry Thompson's Original Answer;
3. Designation of Counsel (Exhibit C).

EXHIBIT A

12/3/2018

Detail Information Lookup

GERARD C. RICKHOFF



DONNA KAY MCKINNEY

COUNTY CLERK & DISTRICT CLERK
COURT RECORDS SEARCH

Case #2018CV06854

Name: ALONZO CASTILLO

Date Filed: 10/24/2018

Case Status: PENDING

Litigant Type: PLAINTIFF

Court: 010

Docket Type: MOTOR VEHICLE ACCIDENT

Business Name:

Style: ALONZO CASTILLO ET AL

Style (2): vs TERRY R THOMPSON

EXHIBIT B

12/3/2018

Detail Information Lookup

Case History

Currently viewing 1 through 5 of 5 records

Sequence	Date Filed	Description
P00004	11/30/2018	ANSWER/RESPONSE DEFENDANT TERRY R. THOMPSON'S ORIGINAL A NSWER
S00001	10/30/2018	CITATION TERRY R THOMPSON ISSUED: 10/30/2018
P00003	10/24/2018	REQUEST CITATION SERVICE REQUEST
P00002	10/24/2018	CIVIL CASE INFORMATION SHEET
P00001	10/24/2018	PLAINTIFF ORIGINAL PETITION

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY):

2018CV06854

COURT (FOR CLERK USE ONLY):

CC# 10

STYLING

(e.g. John Smith v. All American Insurance Co. In re Mary Ann Jones In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet:																								
Name: <u>James V. Mazucha</u> Address: <u>430 W. Hubbard</u> City/State/Zip: <u>SAN ANTONIO, TX 78212</u> Signature: <u>[Signature]</u> State Bar No.: <u>10312560</u>		Plaintiff(s)/Petitioner(s): <u>Alonso Castillo and ERMA Castillo</u> Defendant(s)/Respondent(s): <u>Terry R. Thompson</u>		<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Cases: <input type="checkbox"/> Custodial Parent: <input type="checkbox"/> Non-Custodial Parent: <input type="checkbox"/> Presumed Father:																								
2. Indicate case type or identify the most important issue in the case (select only 1):																												
<table border="1"> <thead> <tr> <th colspan="3">Civil</th> <th colspan="3">Family Law</th> </tr> </thead> <tbody> <tr> <td> Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Completion <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: </td> <td> Injury/Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional 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3. Indicate procedure or remedy, if applicable (may select more than 1):																												
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover																								
4. Indicate damages sought (do not select if it is a family law case):																												
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000																												

County Clerk - Civil Central Filing

Receipt

Receipt

Transaction Status: Valid



Batch Date: 10/25/2018	Batch Number: 154590
Date/Time: 10/25/2018 11:40:35 AM	Workstation: DBGKHBZ1

Gerard Rickhoff

County Clerk - Civil Central Filing
Bexar County

JAMES V MAZUCA
10500 HERITAGE ST
102
SAN ANTONIO, TX 78216

Court Number: 0010

Style:

ALONZO CASTILLO ET AL
vs
TERRY R THOMPSON

Amount for this Receipt: \$322.00

NEW SUIT / CERTIFIED MAIL

Cause Number: 2018CV06854
Receipt Number: 05812999
Transaction Number: 14
User ID: CC40471
Payment Type Code: 3072
Payment Type Name: ccORP Certified Mail

Document Number: 0002410774
Cost Bill Number:
Reference #:

Transaction #	Office	Tender Name	Check Number	Date of Check	Amount
14	CHCC	Efile	028530314-0	10/25/2018 11:38:27 AM	\$340.00
Transaction Total					\$340.00

Allocation Names And Amounts			
alADRS	\$15.00	alJSF2	\$42.00
alAPLC	\$5.00	alBCLS (County 5%)	\$0.50
ccCertified Mail	\$75.00	ccClerk - New Filing	\$40.00
alCSF	\$5.00	ccJSF	\$40.00
alLaw Library	\$15.00	alOCR	\$15.00
alRMF	\$5.00	alBCLS (State 95%)	\$9.50
al CH/RENOV FEE	\$15.00	al Rec Preservation Fee	\$5.00
E-Filing Fee	\$30.00	alJCPTF - SB42	\$5.00

County Clerk - Civil Central Filing

Receipt

Receipt

Transaction Status: Valid



Batch Date: 10/25/2018	Batch Number: 154590
Date/Time: 10/25/2018 11:40:35 AM	Workstation: DBGKHBZ1

Gerard Rickhoff

County Clerk - Civil Central Filing
Bexar County

JAMES V MAZUCA
10500 HERITAGE ST
102
SAN ANTONIO, TX 78216

Court Number: 0010

Style:

ALONZO CASTILLO ET AL
vs
TERRY R THOMPSON

Amount for this Receipt: \$18.00

COPIES

Cause Number: 2018CV06854
Receipt Number: 05813000
Transaction Number: 14
User ID: CC40471
Payment Type Code: 3097
Payment Type Name: ccPlain Copy

Document Number: 0002410776
Cost Bill Number:
Reference #:

Transaction #	Office	Tender Name	Check Number	Date of Check	Amount
14	CHCC	Efile	028530314-0	10/25/2018 11:38:27 AM	\$340.00
Transaction Total					\$340.00

Allocation Names	And Amounts
alPlain Copy	\$18.00

CERTIFIED MAIL

Case Number: 2018CV06854

2018CV06854 S00001

ALONZO CASTILLO ET AL

VS.

TERRY R THOMPSON

(Note: Attached Document May Contain Additional Litigants.)

IN THE COUNTY COURT
AT LAW NO. 10
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: TERRY R THOMPSON
P O BOX 519
N WEBSTER, IN 46555-0519

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 24th day of October, 2018.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 30TH DAY OF OCTOBER, A.D., 2018.

JAMES V MAZUCA
ATTORNEY FOR PLAINTIFF
10500 HERITAGE ST 102
SAN ANTONIO, TX 78216-3616



GERARD RICKHOFF
County Clerk of Bexar County, Texas
Bexar County Courthouse
100 Dolorosa Suite 104
San Antonio, Texas 78205

By: *Valerie Tristan*, Deputy

ALONZO CASTILLO ET AL
VS
TERRY R THOMPSON

Officer's Return

Case Number: 2018CV06854
Court: County Court at Law No. 10

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION on the date of delivery endorsed and to _____, in person on the _____ day of _____, 20____ at _____ o'clock _____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

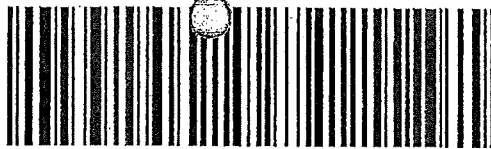
OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

USPS CERTIFIED MAIL™

GERARDO RICKHOFF, COUNTY CLERK
BEXAR COUNTY COURTHOUSE
100 DOLOROSA, STE. 104
SAN ANTONIO, TEXAS 78205-3083



001

9414 8149 0226 3913 0122 23

TERRY R THOMPSON
P O BOX 519
N WEBSTER, IN 46555-0519
US

8CV06854
30/2018
VALERIE
STAN

ALONZO CASTILLO AND
ERMA CASTILLO

§
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IN THE COUNTY COURT

VS.

AT LAW NO. _____

TERRY R. THOMPSON

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, ALONZO CASTILLO and ERMA CASTILLO(hereinafter referred to as Plaintiffs), and files this pleading, complaining of TERRY R. THOMPSON(hereinafter referred to as Defendant)and files this pleading, and for cause of action would respectfully show unto the Court the following:

I.
(DISCOVERY LEVEL)

Pursuant to Tex. R. Civ. P. Rule 47, Plaintiffs hereby seek monetary relief over \$100,000.00 but not more than \$200,000.00. This statement is made for purposes of meeting the requirement of Rule 47 and not for argument to the jury. The monetary relief actually, awarded will ultimately determined by the jury.

Pursuant to Tex. R. Civ. P. Rule 190.1, Plaintiffs' attorney states Plaintiffs elect to pursue this case as a Level III case.

II.
(PARTIES)

Plaintiffs' are residents Texas.

Defendant, **TERRY R. THOMPSON** is an individual who can be served with process at **P.O. BOX 519 N. WEBSTER, IN., 46555.**

**III.
(VENUE)**

Venue of this lawsuit is proper in San Antonio, Bexar County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE, CHAPTER 15 in that the incident giving rise to this cause of action occurred in Bexar County, Texas.

**IV.
(FACTS)**

On October 28, 2016, Plaintiffs, were driving a motor vehicle in the City of San Antonio, Bexar County, Texas. The vehicle they were occupying was suddenly and without warning struck by the vehicle being driven by **TERRY R. THOMPSON**. Plaintiffs would show the Court that the negligent conduct of **TERRY R. THOMPSON** was a direct and proximate cause of the occurrence described above, and of the bodily injuries and damages sustained by Plaintiff's, as described hereinbelow.

**V.
(NEGLIGENCE)**

On the occasion in question, the Defendant operated an automobile in a negligent manner and violated the duty which she owed Plaintiff's to exercise ordinary care in the operation of said motor vehicle in at least the following particulars:

1. In not maintaining an assured clear distance from the Plaintiff's vehicle in violation of Texas Transportation

Code Ann. Sec.545.062 (Following Distance).

2. In failing to turn her vehicle in another direction to avoid an impending collision, as would have been done by a reasonably person exercising a reasonable degree of prudence under the same or similar circumstances;
3. In failing to keep the vehicle being driving under proper control, as would have been done by a reasonable person exercising a reasonable degree of prudence under the same or similar circumstances;
4. In failing to maintain a proper lookout while operating a motor vehicle, as would have been done by a reasonable person exercising a reasonable degree of prudence under the same or similar circumstances;
5. In failing to timely and properly apply her brakes, as would have been done by a reasonable person exercising a reasonable degree of prudence under the same or similar circumstances; and
6. In demonstrating driver inattention.
7. In backing a vehicle when unsafe in violation of the Texas Transportation Code Sec. 545.145 (Backing a Vehicle)

Each of the above acts or omissions, singularly or in combination with each other, constituted negligence, and negligence per se, which proximately and directly caused Plaintiff's injuries and damages.

**VI.
(DAMAGES)**

Plaintiffs allege that as a direct and proximate result of the conduct and/or omission on the part of the Defendant(s), Plaintiffs are entitled to recover at least the following legal damages:

1. Past necessary and reasonable medical, hospital, and pharmaceutical expenses;
2. Future necessary and reasonable medical, hospital, and

pharmaceutical expenses, which in all probability will be incurred;

3. Physical pain and suffering and mental anguish (however with respect to mental anguish damages Plaintiff only asserts mental loss for the common emotional reaction to an injury) in the past;
4. Physical pain and suffering and mental anguish (however with respect to mental anguish damages Plaintiff only asserts mental loss for the common emotion reaction to an injury) which, in all reasonable probability, will be suffered in the future;
5. Physical impairment in the past;
6. Physical impairment which, in all reasonable probability, will be suffered in the future;
7. Lost wages, and/or a reduction in wage earning capacity in the past;
8. Loss of earning capacity in the future;
9. Disfigurement in the past;
10. Disfigurement in the future; and
11. The reasonable and necessary cost of repairs to the vehicle in Bexar County, Texas or in the alternative, the difference in the fair market value of the vehicle in Bexar County, Texas immediately before the collision in question and immediately after the collision in question, and loss of use of said vehicle.

Plaintiffs' damages are within the jurisdictional limits of this Court, at the time of the filing of this suit. With the passage of time, Plaintiff's damages may increase.

**VII.
(DISCLOSURE)**

Pursuant to the Texas Civil Rules of Procedure 194, Plaintiffs hereby make demand for disclosure.

Plaintiffs request disclosure of all documents, electronic information, and tangible items that the Defendant has in its possession, custody, or control and may be used to support its claim or defenses.

Plaintiffs hereby request that you maintain and not remove or delete any and all writings, messages, texts, electronic mail, instant messages, pictures or other information that in any way references or depicts the subject incident which are or have been posted on the websites of MySpace, Facebook, Twitter, or any other social network.

**VIII.
(INTERROGATORIES, REQUESTS FOR PRODUCTION,
& REQUESTS FOR ADMISSIONS)**

NOW COMES the undersigned Plaintiffs in the above styled and numbered cause, and files these First Set of Interrogatories, Requests for Production and Requests for Admissions, pursuant to the Texas Rules of Civil Procedure.

Pursuant to Rule 196.1 of the Texas Rules of Civil Procedure, Plaintiffs serve this Request for Production upon Defendant(s). Defendant(s) is requested to respond fully, in writing, as required by Rule 196.3. The documents requested are to be produced at the offices of the Plaintiff's attorney at 430 W. Hildebrand Ave., San Antonio, Texas 78212.

Pursuant to 193.7 of the Texas Rules of Civil Procedure, Plaintiffs hereby give notice that the documents produced will be

used in the trial and in any pretrial proceedings in this case.

DEFINITIONS

Document as used herein is defined under TEX.R.CIV.P. 192.3(b).

Please be advised that the following Interrogatories must be answered separately and fully in writing, by you, and under oath within thirty (30) days of receipt hercof, unless they were served with the citation, then the response shall be due fifty (50) days from receipt of the citation. In answering these interrogatories, please furnish all information available to you and any other person acting on your behalf. Such interrogatories are considered as continuing, and you are requested to provide by way of supplemental answers hereto any additional information that you or any of the persons acting on your behalf hereafter obtain which will augment or otherwise modify your answers below. Such supplemental answers are to be served upon the undersigned upon receipt of such additional information. Plaintiffs also advise that any and all interrogatories, answers, and supplemental information may be offered in evidence at the trial of this lawsuit.

The Plaintiffs, in order to simplify the issues for the consideration of the Court and the jury, makes the following request for admissions of facts under the Texas Rules of Civil Procedure, and demands that, within thirty (30) days after the

service of these requests, unless they were served with the citation, then the response shall be due fifty (50) days from receipt of the citation, Defendant or its attorney admit under oath or deny under oath the following facts, and demands that each fact set forth be specifically admitted or denied. The Defendant is here advised that a failure to specifically answer any request will be taken as an admission of the truth of the request.

Interrogatories, Requests for Disclosure, Requests for Production and Requests for Admissions are as follows:

I N T E R R O G A T O R I E S

INTERROGATORY NO. 1: State your full legal name, address, including street address, apartment number (if applicable), city, state, zip code, date of birth, email address, any other names you have used in the past and who has helped you answer this interrogatory.

ANSWER:

INTERROGATORY NO. 2: State how the INCIDENT occurred, giving the speed, direction, and location of each vehicle involved:

- (a) just before the INCIDENT;
- (b) at the time of the INCIDENT; and
- (c) just after the INCIDENT.

ANSWER:

INTERROGATORY NO. 3: Within 24 hours before the INCIDENT did you or any person involved in the INCIDENT use or take any of the following substance: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each

person state:

- (a) the name, ADDRESS, and telephone number;
- (b) the nature or description of each substance;
- (c) the quantity of each substance used or taken;
- (d) the date and time of day when each substance was used or taken;
- (e) the ADDRESS, where each substance was used or taken;
- (f) the name, ADDRESS, and telephone number of each person who was present when each substance was used or taken; and
- (g) the name, ADDRESS, and telephone number of any HEALTH CARE PROVIDER who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

ANSWER:

INTERROGATORY NO. 4: Does the Defendant contend that the damages made the basis of Plaintiff's claim are caused by any preexisting or subsequent disease, injury or bodily condition or any combination thereof? If yes, state fully each condition and the approximate date or dates such condition first occurred and the cause thereof.

ANSWER:

INTERROGATORY NO. 5: Please state if you have been advised that your insurance company is denying coverage, asserting an exclusion in your policy, denying you representation, or defending this case conditionally or on reservation of rights. If yes, please explain in detail.

ANSWER:

INTERROGATORY NO. 6: Please state the date you received written notice of Plaintiff's claim.

ANSWER:

INTERROGATORY NO. 7: If this Defendant contends that there was any comparative responsibility on the part of the Plaintiff, please describe such.

ANSWER:

INTERROGATORY NO. 8: Pursuant to Texas Rule of Civil Procedure Rule 192.3(d), please identify your trial witnesses.

ANSWER:

INTERROGATORY NO. 9: Please explain to the Judge and jury why your vehicle struck Plaintiff's vehicle.

ANSWER:

A D M I S S I O N S

REQUEST FOR ADMISSION NO. 1: Do you admit to the Judge and the jury, under penalty of a re-allocation of expenses under Tex. R. Civ. P. 215.4, that all proper, necessary, permissible and indispensable parties have been joined in this cause?

ANSWER:

REQUEST FOR ADMISSION NO 2: Do you admit to the Judge and the jury, under penalty of a re-allocation of expenses under Tex. R. Civ. P. 215.4, that all parties in this cause have been correctly named?

ANSWER:

REQUEST FOR ADMISSION NO 3: Do you admit to the Judge and the jury, under penalty of a re-allocation of expenses under Tex. R. Civ. P. 215.4, that the vehicle you were driving struck Plaintiff's vehicle?

ANSWER:

REQUEST FOR ADMISSION NO. 4: Do you admit to the Judge and the jury, under penalty of a re-allocation of expenses under Tex. R. Civ. P. 215.4, that the Plaintiff sustained an injury on October 28, 2016?

ANSWER:

REQUEST FOR ADMISSION NO. 5: Do you admit to the Judge and the jury, under penalty of a re-allocation of expenses under Tex. R. Civ. P. 215.4, that you were negligent in allowing your vehicle to strike the Plaintiff's vehicle?

ANSWER:

REQUESTS FOR PRODUCTION

All documents within your possession, custody or control that evidence, constitute, pertain, relate or refer to any of the following:

REQUEST FOR PRODUCTION NO. 1: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please produce digital photographs in JPG format on a disk or email to James@Mazuca.com of:

- (a) the vehicle involved in the incident made the basis of this lawsuit,
- (b) the scene of the incident,
- (c) any photograph of the Plaintiff,
- (d) any reconstruction; and

All motor pictures, video, recordings, maps, drawings, charts, diagrams, surveys or other documents concerning the incident made the basis of this lawsuit, persons or objects involved, made before, at the time or after the time of the events in question, that you, your attorney or anyone your behalf, have or know of.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please produced a copy of any DOCUMENT (for example, insurance bureau index reports) concerning claims for personal injuries made before or after in INCIDENT by a plaintiff in this case? If so, for each plaintiff state:

- (a) the source of each DOCUMENT;
- (b) the date each claim arose;
- (c) the nature of each claim; and
- (d) the name, ADDRESS, and telephone number of the PERSONS who has each DOCUMENT.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please produce a copy of the title to the vehicle you were driving at the time in question and a copy of your driver's license.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: BY WAY OF A REQUEST FOR PRODUCTION UNDER, TEXAS RULES OF CIVIL PROCEDURE: Please produce a copy of any contract of employment that would govern any relationship with any other party or bear on this issue of employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please furnish all medical records, reports, bills, and other written documents from all hospitals and/or physicians which have examined and/or treated the Defendant and/or the Plaintiff for any injuries which he/she may have received as a result of the incident made the basis of this suit or any prior or subsequent injury/condition.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please furnish any and all documents concerning any criminal charges arising from the incident made the basis of this suit, the probation granted therefrom and/or any other felony conviction or probation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please furnish any and all data from the "black box"/memory chip from the vehicle involved in the accident.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please furnish a copy of your cellular/car phone records for the date of the collision.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Please produce a copy of every document that your expert witness(es) reviewed that were prepared by any of your consulting expert(s).

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Produce all documents or tangible things that indicate any expert designated by this party is not qualified to render an expert opinion regarding the subject matter of his/her proposed testimony.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Produce all documents or tangible things which controvert and/or call into question the validity of any opinion rendered by any expert designated by this party.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Produce all medical record(s) and bill(s) of the Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Produce all document(s) received by you or your insurance company wherein someone is asserting a subrogation claim(s) or lien(s) on the liability policy proceeds involving this occurrence.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Pursuant to T.R.C.P. 203.3(c), please produce a copy of the original Deposition(s) by Written Questions and oral deposition(s) (including e-trans) in your possession.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: All documents that establish how prejudgment interest is to be calculated.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: All documents that relate to any attempt to suspend your driving privilege in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: BY WAY OF A REQUEST FOR PRODUCTION UNDER, TEXAS RULES OF CIVIL PROCEDURE: All documents that relate to you currently being on probation or have been convicted of a felony or a misdemeanor involving moral turpitude in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: All documents that demonstrate any tickets for a moving violation in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: All documents that demonstrate any prior motor vehicle accident, that you were involved in the last ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: A copy of any petition(s) that you have filed or has been filed against you in the last ten years involving a motor vehicle crash.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: A copy of a written estimate(s) or evaluation made for the property damage of the vehicle(s) involved in the collision the subject of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: A copy of the document(s) that indicate the market value of Plaintiff's vehicle involved in the collision the subject of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE:

Plaintiff request disclosure of all documents, electronic information, and tangible items that the Defendant has in its possession, custody, or control and may be used to support its claim or defenses.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: BY WAY OF A REQUEST FOR PRODUCTION UNDER TEXAS RULES OF CIVIL PROCEDURE: Produce all information, photos, videos, downloads, documents, and any other data regarding any social media sites and social media postings of the Plaintiff(s).

RESPONSE:

IX.
(AUTHENTICATION OF PRODUCTION)

Pursuant to Tex. R. Civ. P., Plaintiff hereby gives written notice that documents produced in response to a Request For Production will be used in all protrial proceedings and at the trial of this case.

X.
(PREEXISTING CONDITION)

Alternatively, if it is shown that Plaintiffs, prior to the occurrence had pre-existing medical, physical and/or psychological conditions, she has sustained aggravation of such pre-existing medical, physical and/or psychological conditions. More particularly, if the evidence demonstrates that prior to the occurrence in question Plaintiff, has pre-existing conditions, such conditions at the time of the occurrence were latent, controlled and/or non-debilitating. The occurrence and conduct of Defendant, by and through its agents, employees, and vice-principals, has aggravated and accelerated such conditions and/or made Plaintiff more vulnerable or predisposed to subsequent injury and to the effects of subsequent stressors and injuries. Further, as a consequence of Plaintiff's, injuries caused by Defendant conduct, Plaintiff, has been made more vulnerable and pre-disposed to subsequent further injury, aggravation of the injures resulting from the occurrence in question, and to the effects of subsequent stressors. She also has sustained additional mental anguish because

of this increased vulnerability, which in reasonable probability she will experience for the remainder of her life.

**XI.
(SUBSEQUENT CONDITION)**

Pleading further, if it be shown that if Plaintiffs suffered from any subsequent injury, disease and/or condition at the time of the incident made the basis of this lawsuit, that such injury, disease and/or condition was aggravated and/or exacerbated by the aforementioned collision.

**XII.
(PREJUDGMENT INTEREST)**

Plaintiffs also specifically pleads for prejudgment interest as prescribed by law on damages that have been accrued by the time of the judgment.

**XIII.
(JURY DEMAND)**

Pursuant to Texas Rules of Civil Procedure 216, Plaintiff hereby requests a trial by jury and tenders the requisite fee.

**XIV.
(MEDIATION)**

Pursuant to the Bexar County Local Rules, Plaintiff hereby makes demand for referral to Mediation.

**XV.
(PRAYER)**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs prays that Defendant be cited to appear and answer herein, and that upon final

hearing hereof, Plaintiffs recovers the following:

- a. Judgment against Defendant for actual damages in an amount in excess of the minimum jurisdictional limits of the Court;
- b. Prejudgment interest, at the legal rate on damages that have been accrued by the time of judgment;
- c. Interest after judgment at the legal rate per annum until paid;
- d. Cost of suit; and,
- e. Such other relief, both general and special, legal and equitable, to which Plaintiff(s) may be justly entitled.

Respectfully submitted,

LAW OFFICES OF JAMES V. MAZUCA
& ASSOCIATES

By: /s/JAMES V. MAZUCA

JAMES V. MAZUCA

S.B.N.#13312560

430 West Hildebrand Ave.

San Antonio, Texas 78212

(210) 735-4878

(210) 737-1459(facsimile)

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ATTORNEY FOR PLAINTIFFS

2018CV06854

E-FILED
Bexar County, County Clerk
Gerard Rickhoff
Accepted Date: 12/3/2018 9:25 AM
Accepted By: Alicia Rivas

CAUSE NO. 2018CV06854

Deputy Clerk

ALONZO CASTILLO AND
ERMA CASTILLO

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§
§
§
§

IN THE COUNTY COURT

vs.

AT LAW NO. 10

TERRY R. THOMPSON

BEXAR COUNTY, TEXAS

DEFENDANT TERRY R. THOMPSON'S ORIGINAL ANSWER

TO THE HONORABLE COURT:

Defendant Terry R. Thompson files his Original Answer and would respectfully show the court as follows:

I.

GENERAL DENIAL

Defendant generally denies the allegations contained in Plaintiffs' Original Petition and since they are allegations of fact, Plaintiffs should be required to prove them by a preponderance of the evidence in accordance with the laws of the State of Texas.

II.

DEFENSES

Defendant asserts that Plaintiffs engaged in negligent acts and/or omissions that proximately caused their alleged injuries and/or damages. These acts include, but are not limited to, failing to maintain a proper lookout. As such, Defendant requests that Plaintiffs be submitted in the jury charge so that the trier of fact can assess their percentage of responsibility pursuant to TEX. CIV. PRAC. & REM. CODE § 33.003.

III.

JURY DEMAND

Defendant asserts his right to a trial by jury, under Texas Constitution Article 1, section 15, and makes this demand for a jury trial.

IV.

PRAYER

Defendant Terry R. Thompson respectfully requests that Plaintiffs take nothing by their suit, for the recovery of his costs in defending this matter, and for such further relief to which he may be justly entitled.

Respectfully submitted,

THOMPSON COE COUSINS & IRONS, LLP

By: /s/ David A. McFarland

David A. McFarland

Texas State Bar No. 00791223

Tim Headley

Texas State Bar No. 24007334

700 N. Pearl Street, 25th Floor

Dallas, Texas 75201

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Fax: (214) 871-8209

dmcfarland@thompsoncoe.com

theadley@thompsoncoe.com

ATTORNEYS FOR DEFENDANT

TERRY R. THOMPSON

CERTIFICATE OF SERVICE

This is to certify that on the 30th day of November, 2018, a true and correct copy of the foregoing was served on Plaintiffs' counsel of record by electronic notice and/or certified mail return receipt requested:

James V. Mazuca

Law Offices of James V. Mazuca & Associates

430 West Hildebrand Avenue

San Antonio, Texas 78212

Attorney for Plaintiff

/s/ Tim Headley

David A. McFarland

Tim Headley

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**ALONZO CASTILLO and
ERMA CASTILLO,
*Plaintiffs,***

v.

**TERRY THOMPSON,
*Defendant.***

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CIVIL ACTION NO.:

DESIGNATION OF COUNSEL

Plaintiffs, Alonzo Castillo and Erma Castillo, are represented by

James V. Mazuca
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Defendant, Terry Thompson, is represented by

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EXHIBIT C